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**REMARKS/DISCUSSION OF ISSUES**

In the Final Office Action, Examiner Ferris rejected pending claims 7-18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,100,843 to *Proctor, Jr. et al* in view of U.S. Patent No. 5,123,112 to *Choate*. The Applicant has thoroughly considered Examiner Ferris's remarks concerning the patentability of claims 7-18 over *Proctor* in view of *Choate*. The Applicant has also thoroughly read *Proctor* and *Choate*. To warrant this 35 U.S.C. §103(a) rejection of claims 7-18, there must be some suggestion or motivation, either in *Proctor* and *Choate* or in the knowledge generally available to one of ordinary skill in the art, to modify *Proctor* in view of *Choate* as proposed by Examiner Ferris without changing the principle operation of *Proctor*. See, MPEP §2143. The Applicant respectfully traverses this obviousness rejection of claims 7-18, because *Proctor* teaches away from:

1. "selection means for, based on the acquired data, conditionally selecting at least an active secondary station and at least an alternative secondary station suitable for becoming active", "calculation means for calculating directions of signals received from the selected secondary stations", "storage means for storing the calculated directions" and "control means for controlling said multi-directional controllable antenna structure in dependence of the stored directions" as recited in independent claims 7 and 13;
2. "based on the acquired data, conditionally selecting at least an active secondary station and at least an alternative secondary station suitable for becoming active", "calculating directions of signals received from the selected secondary stations", "storing the calculated directions" and "controlling the multi-directional controllable antenna structure in dependence of the stored directions" as recited in independent claim 10; and

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3. "based on the acquired data, conditionally select at least an active secondary station and at least an alternative secondary station suitable for becoming active", "calculate directions of signals received from the selected secondary stations", "store the calculated directions" and "control the multi-directional controllable antenna structure in dependence of the stored directions" as recited in independent claim 16.

As to the traversal, the principle operation of *Proctor* is to determine a direction in which a base station (i.e., a secondary station as recited in claims 7-18) assigned to a mobile station (i.e., a primary station as recited in claims 7-18) is located and for configuring an antenna apparatus of the mobile station to maximize the effective radiated and/or received energy between the mobile station and the assigned base station. See, Proctor at column 3, lines 43-53. Clearly, the principle operation of *Proctor* is premised on the fact that the effective radiated and/or received energy between the mobile station and the assigned base station can not be maximized if the mobile station is also attempting to concurrently acquire data to conditionally select an alternative base station, to calculate directions of signals received from both the assigned based station and the alternative base station, to store both calculated directions and to control the antenna apparatus in dependence of the stored directions as required by independent claims 7, 10, 13 and 16.

Furthermore, *Proctor* is directed to the reducing the inter-cell interference. See, Proctor at column 2, line 62 to column 3, line 35. Clearly, inter-cell interference will not be reduced if the mobile station is also attempting to concurrently acquire data to conditionally select an alternative base station, to calculate directions of signals received from both the assigned based station and the alternative base station, to store both calculated directions and to control the antenna apparatus in dependence of the stored directions as required by independent claims 7, 10, 13 and 16.

Withdrawal of the rejection of independent claims 7, 10, 13 and 16 under §103(a) as being unpatentable over *Proctor* in view of *Choate* is therefore respectfully requested.

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Claims 8 and 9 depend from independent claim 7. Therefore, dependent claims 8 and 9 include all of the elements and limitations of independent claim 7. It is therefore respectfully submitted by the Applicant that dependent claims 8 and 9 are allowable over *Proctor* in view of *Choate* for at least the same reason as set forth herein with respect to independent claim 7 being allowable over *Proctor* in view of *Choate*. Withdrawal of the rejection of dependent claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over *Proctor* in view of *Choate* is respectfully requested.

Claims 11 and 12 depend from independent claim 10. Therefore, dependent claims 11 and 12 include all of the elements and limitations of independent claim 10. It is therefore respectfully submitted by the Applicant that dependent claims 11 and 12 are allowable over *Proctor* in view of *Choate* for at least the same reason as set forth herein with respect to independent claim 10 being allowable over *Proctor* in view of *Choate*. Withdrawal of the rejection of dependent claims 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over *Proctor* in view of *Choate* is respectfully requested.

Claims 14 and 15 depend from independent claim 13. Therefore, dependent claims 14 and 15 include all of the elements and limitations of independent claim 13. It is therefore respectfully submitted by the Applicant that dependent claims 14 and 15 are allowable over *Proctor* in view of *Choate* for at least the same reason as set forth herein with respect to independent claim 13 being allowable over *Proctor* in view of *Choate*. Withdrawal of the rejection of dependent claims 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over *Proctor* in view of *Choate* is respectfully requested.

Claims 17 and 18 depend from independent claim 16. Therefore, dependent claims 17 and 18 include all of the elements and limitations of independent claim 16. It is therefore respectfully submitted by the Applicant that dependent claims 17 and 18 are allowable over *Proctor* in view of *Choate* for at least the same reason as set forth herein with respect to independent claim 16 being allowable over *Proctor* in view of *Choate*. Withdrawal of the rejection of dependent claims 17 and 18 under 35

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U.S.C. §103(a) as being unpatentable over *Proctor* in view of *Choate* is respectfully requested.

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**SUMMARY**

The Applicant respectfully submits that pending new claims 7-18 as added herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Ferris is respectfully requested to contact the undersigned at the telephone number listed below.

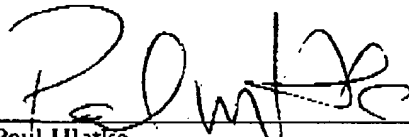
Dated: April 6, 2004

Respectfully submitted,  
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